

**KENTUCKY HORSE RACING COMMISSION**  
**MINUTES OF THE SPECIAL MEETING**

Date: April 26, 2022 at 1:30 PM

Place: Via video conference from Kentucky Thoroughbred Association, Conference Room, 4079 Iron Works Parkway, Lexington, Kentucky

Members Present: Chairman Jonathan Rabinowitz; Vice-Chairman Frank Jones, Jr.; Commissioner Kerry T. Cauthen; Commissioner Naveed Chowhan, M.D.; Commissioner Michael F. Dudgeon; Commissioner Gregory Harbut; Commissioner Douglas A. Hendrickson; Commissioner Kenneth A. Jackson; Commissioner William L.S. Landes; Commissioner Charles O'Connor; Commissioner Tom Riddle, DVM; and Commissioner Mark Simendinger

Ex-officio Members Present: DJ Wasson on behalf of Secretary Ray Perry, Public Protection Cabinet; Sarah Cronan on behalf of Secretary Mike Berry, Tourism, Arts & Heritage Cabinet; Angelica Vega on behalf of Interim Secretary, Larry Hayes, Cabinet for Economic Development

KHRC Staff Participating/Present: Marc A. Guilfoil, Executive Director; Jamie Eads, Deputy Executive Director and Director of Division of Incentives and Development; Shan Dutta, Deputy General Counsel; Bruce Howard, DVM, Equine Medical Director; Nicholas Smith, DVM, Chief Racing Veterinarian; Barbara Borden, Chief State Steward; Waqas Ahmed, Director, Pari-Mutuel Wagering and Compliance; Patricia J. Cooksey, Assistant Director, Division of Incentives and Development and Standardbred Judge; Joanna Ricci, Executive Administrative Secretary

<i>AGENDA ITEM</i>	<i>TRANSCRIPT PAGE NUMBER(S)</i>	<i>DISCUSSION / CONCLUSIONS / RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<b>I. Call to Order and Roll Call</b>	3 – 6	Chairman Rabinowitz called the meeting of the Kentucky Horse Racing Commission (KHRC) to order and performed the roll call. A quorum was recognized.	No action taken.

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<p><b>II. New Business</b>  <b>Tab 1 Meeting Minutes from February 15, 2022 and March 4, 2021</b></p>	<p>6 – 44  6 – 8</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by the KHRC staff to approve the proposed minutes of the KHRC meeting of February 15, 2022 and March 4, 2022. Motion by Commissioner Simendinger. Second by Commissioner Hendrickson.</p> <p>Ms. Eads presented the proposed minutes, as outlined in the agenda materials.</p> <p>Approval of the proposed minutes was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed minutes of the February 15, 2022 and March 4, 2022 KHRC meeting as presented. Motion carried with no objections or abstentions.</p>
<p><b>Tab 2 Kentucky Downs' 2022 September Meet KTDF Purse Allotment Request</b></p>	<p>8 – 10</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation of the Kentucky Thoroughbred Development Fund Advisory Committee (KTDF Advisory Committee) to approve the proposed KTDF purse structure and advertising expenditure for Kentucky Downs LLC's 2022 September meeting, including the transfer of KTDF funds to Ellis Park. Motion by Commissioner Landes. Second by Commissioner Simendinger.</p> <p>Ms. Eads presented the KTDF Advisory Committee's recommendation for approval of Kentucky Downs LLC's KTDF purse request dated April 1, 2022, as outlined in the agenda materials. At its April 5, 2022 meeting, the KTDF Advisory Committee recommended approval of the KTDF purse proposal but deferred on the advertising component of the proposal.</p> <p>Approval was recommended by KHRC staff and the KTDF Advisory Committee.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed KTDF purse structure for Kentucky Downs LLC's September meet, including the transferring of KTDF funds to Ellis Park, as presented by Ms. Eads and recommended by the KTDF Advisory Committee. Motion carried with no objections or abstentions.</p>

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<p><b>Tab 3 Ellis Entertainment, LLC’s 2022 Summer Meet KTDF Purse Allotment Request</b></p>	<p>10 – 13</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation of the KTDF Advisory Committee to approve the proposed KTDF purse structure for Ellis Entertainment LLC’s 2022 Summer meet, including the transfer of funds from Kentucky Downs. Motion by Commissioner Hendrickson. Second by Commissioner Landes.</p> <p>Ms. Eads presented the KTDF Advisory Committee’s recommendation for approval of Ellis Entertainment LLC’s request dated April 1, 2022, as outlined in the agenda materials. At its April 5, 2022 meeting, the KTDF Advisory Committee recommended approval of the proposal as presented.</p> <p>Approval was recommended by KHRC staff and the KTDF Advisory Committee.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed KTDF purse structure for Ellis Entertainment LLC’s 2022 Summer meet, including the transfer of funds from Kentucky Downs, as presented by Ms. Eads and recommended by the KTDF Advisory Committee. Motion carried with no objections or abstentions.</p>
<p><b>Tab 4 Ellis Entertainment, LLC and Churchill Downs Racetrack, LLC’s request to transfer race dates, amending Section R of their 2022 applications</b></p>	<p>13 – 16</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by Ellis Entertainment, LLC and Churchill Downs Racetrack, LLC to allow Ellis Entertainment, LLC to race one day during its 2022 Race Meet at Churchill Downs Racetrack, LLC. The specific date requested is August 13, 2022. This request does not change host track status of Ellis Entertainment, LLC. Ellis Entertainment, LLC and Churchill Downs Racetrack, LLC received consent from the Kentucky Thoroughbred Owners &amp; Breeders, Inc., as well as the Kentucky Horsemen’s Benevolent and Protective Association. Motion by Commissioner Hendrickson. Second by Commissioner Dudgeon.</p> <p>Mr. Dutta presented the request submitted by Ellis Entertainment, LLC by letter dated March 4, 2022, as outlined in the agenda materials.</p>	<p>Chairman Rabinowitz called for a vote to approve the request of Ellis Entertainment, LLC, and Churchill Downs Racetrack, LLC, to transfer race dates and amend Section R of their 2022 applications. Motion carried with no objections or abstentions.</p>

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<p><b>Tab 5 Churchill Downs Racetrack, LLC's 2022 Spring Meet KTDF Allotment Increase and August 13, 2022 KTDF Allotment Request.</b></p>	<p>16 – 18</p>	<p>Approval was recommended by KHRC staff.</p> <p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation of the KTDF Advisory Committee to increase the previously approved KTDF purse structure for Churchill Downs Racetrack, LLC's 2022 Spring Meet and adding KTDF purses to the August 13, 2022 race day. Motion by Commissioner Cauthen. Second by Commissioner Hendrickson.</p> <p>Ms. Eads presented the KTDF Advisory Committee's recommendation for approval of Churchill Downs Racetrack, LLC's request dated April 1, 2022, as outlined in the agenda materials. Both requests are supported by the KyHPBA and the KTA-KTOB. At its April 5, 2022 meeting, the KTDF Advisory Committee recommended approval of the proposal as presented.</p> <p>Approval was recommended by KTDF Advisory Committee and KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve Churchill Downs Racetrack, LLC's 2022 Spring Allotment Increase and August 13, 2022 KTDF Allotment Request. Motion carried with no objections or abstentions.</p>
<p><b>Tab 6 Kentucky Proud Series Proposed 2022 Race Meet Officials and Race Date Amendment</b></p>	<p>18 – 21</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the Kentucky County Fair Boards' approval request of 2022 Race Meet Officials and Race Date amendment. Motion by Commissioner Jackson. Second by Commissioner O'Connor.</p> <p>Ms. Cooksey presented the Kentucky County Fair Boards' proposed Race Meet Officials, as outlined in the agenda materials. She stated that all judges have been accredited by ROAP, and all racing officials will be licensed by the opening of the meet. The 2022 Race Dates for the Kentucky Proud Series were approved at the December 14, 2021 Commission Meeting. Mr. James Avritt, Sr. spoke to the KHRC on February 10, 2022 and verbally requested to change the Woodford County Fair date from Sunday, June 19, 2022 to Saturday, June 18,</p>	<p>Chairman Rabinowitz called for a vote to approve the Kentucky Proud Series Proposed 2022 Race Meet Officials and Race Date Amendment. Motion carried with no objections or abstentions.</p>

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		<p>2022. The date change was necessary so not to conflict with Oak Grove, which conducts racing on Sundays.</p> <p>Approval was recommended by KHRC staff.</p>	
<p><b>Tab 7 WKY Development, LLC d/b/a Oak Grove Racing and Gaming's Proposed 2022 Race Meet Officials</b></p>	<p>21 – 22</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address WKY Development, LLC d/b/a Oak Grove Racing and Gaming's proposed 2022 Race Meet Officials. Motion by Commissioner O'Connor. Second by Commissioner Jackson.</p> <p>Ms. Cooksey presented the request submitted by WKY Development, LLC d/b/a Oak Grove Racing and Gaming, dated March 30, 2022, as outlined in the agenda materials. She stated that all judges have been accredited by ROAP, and all racing officials will be licensed by the opening of the meet.</p> <p>Approval was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve WKY Development, LLC d/b/a Oak Grove Gaming and Racing's proposed 2022 race meet officials as presented. Motion carried with no objections or abstentions.</p>
<p><b>Tab 8 WKY Development, LLC d/b/a Oak Grove Racing and Gaming's Request to Amend Section R of its 2022 Application to Amend Race Dates and Post Time</b></p>	<p>23 – 24</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by WKY Development, LLC d/b/a Oak Grove Racing and Gaming to move the Sunday, July 24, 2022 race date to Tuesday, May 31, 2022. In addition, is requesting to move the current post time of 12:30pm CST to 3:00pm CST. WKY Development, LLC d/b/a Oak Grove Racing and Gaming received consent from the Kentucky Horsemen's Association on both requests. Motion by Commissioner Simendinger. Second by Commissioner Jackson.</p> <p>Mr. Dutta presented the request submitted by WKY Development d/b/a Oak Grove Racing and Gaming by letter dated March 28, 2022, as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve WKY Development d/b/a Oak Grove Racing and Gaming's request to Amend Section R of its 2022 application to amend race dates and post time. Motion carried with no objections or abstentions.</p>

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<p><b>Tab 9 Lexington Trots Breeders Association d/b/a The Red Mile's request to Amend Section R of its 2022 Application to Amend Race Dates</b></p>	<p>24 – 26</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the request submitted by Lexington Trots Breeders Association d/b/a The Red Mile to delete their race date for Sunday, October 2, 2022, and add a race date for Thursday, September 29, 2022. Lexington Trots Breeders Association received consent from the Kentucky Harness Horsemen's Association. Motion by Commissioner O'Connor. Second by Commissioner Jackson.</p> <p>Mr. Dutta presented the request submitted by Lexington Trots Breeders Association d/b/a The Red Mile by letter dated March 28, 2022, as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve Lexington Trots Breeders Association d/b/a The Red Mile's request to Amend Section R of its 2022 application to amend race dates. Motion carried with no objections or abstentions.</p>
<p><b>Tab 10 Proposed Amendments to 810 KAR 8:010</b></p>	<p>26 – 28</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation of the KHRC Rules Committee to approve proposed amendments to 810 KAR 8:010. Motion by Commissioner Hendrickson. Second by Vice-Chairman Jones.</p> <p>Mr. Dutta presented the proposed amendments to 810 KAR 8:010; testing procedures; prohibited practices, as outlined in the agenda materials. These proposed amendments were approved by the KHRC Rules Committee on April 19, 2022.</p> <p>Approval was recommended by KHRC Staff.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed amendments to 810 KAR 8:010. Motion carried with no objections or abstentions.</p>

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<p><b>Tab 11 Proposed Amendments to 810 KAR 9:010</b></p>	<p>28 – 32</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address the recommendation of the KHRC Rules Committee to approve proposed amendments to 810 KAR 9:010. Motion by Commissioner Cauthen. Second by Commissioner O'Connor.</p> <p>Mr. Dutta presented the proposed amendments to 810 KAR 9:010; Hearings, reviews, and appeals, as outlined in the agenda materials. These proposed amendments were approved by the KHRC Rules Committee on April 19, 2022.</p> <p>KHRC Staff made one further edit to Section 2(5) following the Rules Committee meeting, to clarify that the public is allowed to attend stewards' and judges' hearings. Following these edits, approval was recommended by KHRC Staff.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed amendments to 810 KAR 9:010. Motion carried with no objections or abstentions.</p>
<p><b>Tab 12 WKY Development, LLC d/b/a Oak Grove Racing and Gaming's Request to Offer New Exotic Wagers for the 2022 Summer Race Meet</b></p>	<p>32 – 34</p>	<p>Chairman Rabinowitz requested a motion from the Commission to approve WKY Development, LLC d/b/a Oak Grove Racing and Gaming to offer new exotic wagers for the 2022 summer race meet. Motion by Commissioner Jackson. Second by Commissioner O'Connor.</p> <p>Mr. Ahmed presented the request submitted by WKY Development d/b/a Oak Grove Racing and Gaming by letter dated April 6, 2022, as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC Staff.</p>	<p>Chairman Rabinowitz called for a vote to approve WKY Development d/b/a Oak Grove Racing and Gaming's request to offer new exotic wagers for the 2022 Summer Race Meet. Motion carried with no objections or abstentions.</p>

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<p><b>Tab 13 Ratification of the Executive Director’s Conditional Approval of Churchill Downs Racetrack, LLC’s Special Wagers Request; All Dirt Pick 5, All Three-Year-Old Pick 3 – Kentucky Oaks and Kentucky Derby</b></p>	<p>34 – 36</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address ratification of the Executive Director’s conditional approval of the request of Churchill Downs Racetrack, LLC’s special wagers. Motion by Vice-Chairman Jones. Second by Commissioner Simendinger.</p> <p>Mr. Ahmed presented the request submitted by Churchill Downs Racetrack, LLC by letter dated March 31, 2022, requesting to amend Section 5 for the addition of new special wagers for the May 6 and May 7 Kentucky Oaks and Kentucky Derby race cards, as outlined in the agenda materials. The new special wagers included All Stakes, All Dirt Pick 5 and All Three-Year-Old Pick 3, both to be held on Saturday, May 7, 2022. The request was conditionally approved on April 1, 2022, by Executive Director, Marc Guilfoil.</p> <p>Approval was recommended by KHRC Staff.</p>	<p>Chairman Rabinowitz called for a vote to approve the ratification of the Executive Director’s conditional approval of Churchill Downs Racetrack, LLC’s special wagers request; All Dirt Pick 5, All Three-Year-Old Pick 3 – Kentucky Oaks and Kentucky Derby. Motion carried with no objections or abstentions.</p>
<p><b>Tab 14 Ratification of the Executive Director’s Conditional Approval of Churchill Downs Racetrack, LLC’s Kentucky Oaks and Kentucky Derby Future Wagers Request</b></p>	<p>36 - 38</p>	<p>Chairman Rabinowitz requested a motion from the Commission to address ratification of the Executive Director’s conditional approval of Churchill Downs Racetrack, LLC’s Kentucky Oaks and Kentucky Derby future wagers request. Motion by Commissioner Landes. Second by Commissioner Hendrickson.</p> <p>Mr. Ahmed presented the request submitted by Churchill Downs Racetrack, LLC by letter dated April 1, 2022, requesting for five 2022 Kentucky Derby and Kentucky Oaks future wager pools as outlined in the agenda materials. The request was conditionally approved on April 1, 2022, by Executive Director, Marc Guilfoil.</p> <p>Approval was recommended by KHRC Staff.</p>	<p>Chairman Rabinowitz called for a vote to approve the ratification of the Executive Director’s conditional approval of Churchill Downs Racetrack, LLC’s Kentucky Oaks and Kentucky Derby Future Wagers Request. Motion carried with no objections or abstentions.</p>



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<p><b>Tab 15 Approval of Churchill Downs Racetrack, LLC's Request to Amend Pick 5 Carryover Pool</b></p>	<p>38 – 40</p>	<p>Chairman Rabinowitz requested a motion from the Commission to approve Churchill Downs Racetrack, LLC's request to amend the Pick 5 Carryover Pool. Motion by Commissioner O'Connor. Second by Commissioner Gates.</p> <p>Mr. Ahmed presented the request submitted by Churchill Downs Racetrack, LLC by letter dated March 31, 2022, requesting approval to process Pick 5 Pools with carryover in any Pick 5 Pool to be added to the next racing day's last Pick 5 Pool, as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC Staff.</p>	<p>Chairman Rabinowitz called for a vote to approve Churchill Downs Racetrack, LLC's request to amend the Pick 5 Carryover Pool. Motion carried with no objections or abstentions.</p>
<p><b>Tab 16 Ratification of Executive Director's Conditional Approval of Keeneland Association, Inc.'s Request to Amend the Spring and Fall Meets' Pick 5 Pool Carryover Pool</b></p>	<p>40 – 42</p>	<p>Chairman Rabinowitz requested a motion from the Commission to ratify the Executive Director's conditional approval of Keeneland Association, Inc.'s request to amend the Spring and Fall Meets' Pick 5 Carryover Pool. Motion by Commissioner Cauthen. Second by Commissioner O'Connor.</p> <p>Mr. Ahmed presented the request submitted by Keeneland Association, Inc. by letter dated April 1, 2022, requesting approval to process Pick 5 Pools with carryover in any Pick 5 Pool to be added to the corresponding Pick 5 Pool on the next racing day. Early Pick 5 Pool carryover would be added to the Early Pick 5 Pool of the next racing day, and Late Pick 5 Pool carryover would be added to the Late Pick 5 Pool of the next racing day, as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC Staff.</p>	<p>Chairman Rabinowitz called for a vote to ratify the Executive Director's conditional approval of Keeneland Association, Inc.'s request to amend the Spring and Fall Meets' Pick 5 Carryover Pool. Motion carried with no objections or abstentions.</p>

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<b>Tab 17 Ratification of the Executive Director's Conditional Approval of Turfway Park, LLC's, Request to Amend the Pick 5 Carryover Pool</b>	42 – 44	<p>Chairman Rabinowitz requested a motion from the Commission to ratify the Executive Director's conditional approval of Turfway Park LLC's request to amend the Pick 5 Carryover Pool. Motion by Commissioner O'Connor. Second by Commissioner Landes.</p> <p>Mr. Ahmed presented the request submitted by Turfway Park, LLC by letter dated February 11, 2022, requesting approval to process Pick 5 Pools with carryover in any Pick 5 Pool to be added to the corresponding Pick 5 Pool on the next racing day. Early Pick 5 Pool carryover would be added to the Early Pick 5 Pool of the next racing day, and Late Pick 5 Pool carryover would be added to the Late Pick 5 Pool of the next racing day, as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC Staff.</p>	<p>Chairman Rabinowitz called for a vote to ratify the Executive Director's conditional approval of Turfway Park, LLC's request to amend the Pick 5 Carryover Pool. Motion carried with no objections or abstentions.</p>
<b>Tab 18 Reports</b> <b>a. Thoroughbred Rulings</b>  <b>b. Veterinary Division Report</b>  <b>c. Pari-Mutuel Wagering Division Report</b>  <b>d. Litigation (Informational only)</b>	44 – 56 44  44 – 47  47 – 56  56	<p>a. Ms. Borden presented the thoroughbred rulings reports as outlined in the agenda materials.</p> <p>b. Drs. Smith and Howard presented the veterinary division reports as outlined in the agenda materials.</p> <p>c. Mr. Ahmed presented the pari-mutuel wagering division reports as outlined in the agenda materials. Mr. Ahmed responded to an inquiry by Commissioner Simendinger.</p> <p>d. Litigation and Regulation report is for informational purposes only.</p>	<p>No action taken. Informational items only.</p>
<b>III. Executive Session</b> <b>During the meeting on April 26, 2022, the Commission will</b>	56 – 57	<p>Chairman Rabinowitz requested a motion from the Commission to convene in closed session to discuss proposed or pending litigation against or on behalf of the agency, as permitted by KRS Chapter</p>	<p>Chairman Rabinowitz called for a vote for the Commission to convene</p>

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<p>go into closed session pursuant to KRS 61.810(1)(c) to discuss pending litigation (CONFIDENTIAL)</p>	<p>56 – 57  57 – 58</p>	<p>61.810(1)(c). Motion by Commissioner O'Connor. Second by Commissioner Hendrickson.</p> <p style="text-align: center;"><b><u>EXECUTIVE SESSION</u></b></p> <p>Chairman Rabinowitz requested a motion from the Commission to reconvene in open session. Motion by Commissioner Cauthen. Second by Commissioner Hendrickson.</p> <p style="text-align: center;"><b><u>RECONVENED TO OPEN SESSION</u></b></p>	<p>in closed session. Motion carried with no objections or abstentions.</p> <p>Chairman Rabinowitz called for a vote for the Commission to reconvene in open session. Motion carried with no objections or abstentions.</p>
<p><b>IV. Other Business</b> <b>Final Orders Regarding</b> <b>Barry King v. KHRC, KHRC-21-TB-008</b></p>	<p>58 – 59</p>	<p>Upon return to open session, Chairman Rabinowitz requested a motion from the Commission to address the request submitted by KHRC staff to approve the proposed Final Order for KRS 13B administrative appeal, <i>Barry King v. KHRC</i>, KHRC-21-TB-008. Motion by Commissioner Landes. Second by Commissioner O'Connor.</p> <p>Mr. Dutta presented the Final Order as outlined in the agenda materials.</p> <p>Approval was recommended by KHRC staff.</p>	<p>Chairman Rabinowitz called for a vote to approve the proposed Final Order regarding <i>Barry King v. KHRC</i>, KHRC-21-TB-008. Motion carried with no objections or abstentions.</p>
<p><b>V. Adjournment</b></p>	<p>59 – 60</p>	<p>With no other business, Chairman Rabinowitz requested a motion to adjourn the April 26, 2022 meeting. Motion by Commissioner Cauthen. Second by Commissioner Simendinger.</p> <p>Meeting adjourned.</p>	<p>Chairman Rabinowitz called for a vote to adjourn. Motion carried with no objections or abstentions.</p>

**NOTE:** The Agenda materials and any amendments and/or supplements thereto, subject to any applicable exemptions, and the official Transcript are incorporated by reference as if set forth fully herein.